Procter & Gamble – I.P. Division

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1) Fee Transmittal – orig. w/copy
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3)
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Number of Pages Including this Page: 19

Inventor(s): Cimiluca et al.
S.N.: 10/633,965
Filed: August 4, 2003
Docket No.: 9152R

Comments:

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U.S. Patent and Trademark Office

FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.
Effective December 8, 2004

TOTAL AMOUNT OF PAYMENT ($500)

Complete if Known	
Application Number	10/633,965
Confirmation Number	5180
Filing Date	August 4, 2003
First Named Inventor	Cimiluca et al.
Examiner Name	Everett White
Art Unit	1623
Attorney Docket No.	9152R

METHOD OF PAYMENT

1. [X] The Director is hereby authorized to charge indicated fees submitted on this form, credit any over payments, and charge any additional fee(s) during the pendency of this application to:

Deposit Account Number: **16-2480**
Deposit Account Name: **The Procter & Gamble Company**

FEE CALCULATION

2. BASIC FILING FEE – Large Entity

Application Type	FILING FEE	SEARCH FEE	EXAMINATION FEE		Fee Paid
Utility	($300)	($500)	($200)	(Total = $1000)	[]
Design	($200)	($100)	($130)	(Total = $430)	[]
Reissue	($300)	($500)	($600)	(Total = $1400)	[]
Provisional filing fee				(Total = $200)	[]

3. APPLICATION SIZE FEE:

Sheets of Spec and Drawings [] ($250 for each 50 sheets in excess of 100, except for sequence and program listings)

SUBTOTAL (2)+(3) ($)[]

4. EXTRA CLAIM FEES FOR UTILITY AND REISSUE:

	Extra Claims		Fee from Below		Fee Paid
Total Claims	[] - 20** =	[] x	[]	=	[]
Independent Claims	[] - 3** =	[] x	[]	=	[]
Multiple Dependent claims:			[]	=	[]

** or number previously paid, if greater; For Reissues, see below

Fee Description
Claims in excess of 20 ($50 per claim)
Independent claims in excess of 3 ($200 per claim)
Multiple dependent claim, if not paid ($360)
**Reissue: each independent claim over 3 and more than in the original patent ($200 per claim)
**Reissue claims: each claim over 20 and more than original patent ($50 per claim)

SUBTOTAL (4) ($)[]

FEE CALCULATION (continued)

5. ADDITIONAL FEES

Fee Description		Fee Paid
Extension for reply within 1st month	($120)	[]
Extension for reply within 2nd month	($450)	[]
Extension for reply within 3rd month	($1,020)	[]
Extension for reply within 4th month	($1,590)	[]
Extension for reply within 5th month	($2,160)	[]
Information Disclosure Statement fee	($180)	[]
37 CFR 1.16(e) Late Oath/Declaration (nonprovisional)	($130)	[]
37 CFR 1.17 (q) Missing Parts (provisional)	($50)	[]
Non-English specification	($130)	[]
Notice of Appeal	($500)	[]
Filing a brief in support of an appeal	($500)	[500]
Request for oral hearing	($1,000)	[]
Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	($1,370)	[]
Other: _____		[]

SUBTOTAL(5) ($) [500]

SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Cynthia L. Clay	Registration No. (Attorney/Agent)	54,930	Telephone	(513) 622-0291
Signature	Cynthia L. Clay			Date	April 14, 2005

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Design	($200)	($100)	($130)	(Total = $430)	[]
Reissue	($300)	($500)	($600)	(Total = $1400)	[]
Provisional filing fee				(Total = $200)	[]

3. **APPLICATION SIZE FEE:**

Sheets of Spec and Drawings [] ($250 for each 50 sheets in excess of 100, except for sequence and program listings)

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	Extra Claims		Fee from Below		Fee Paid
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Independent Claims	[] - 3** =	[] x	[]	=	[]
Multiple Dependent claims:			[]	=	[]

** or number previously paid, if greater; For Reissues, see below

Fee Description

Claims in excess of 20 ($50 per claim)
Independent claims in excess of 3 ($200 per claim)
Multiple dependent claim, if not paid ($360)
**Reissue: each independent claim over 3 and more than in the original patent ($200 per claim)
**Reissue claims: each claim over 20 and more than original patent ($50 per claim)

SUBTOTAL (4) ($)[]

FEE CALCULATION (continued)

5. **ADDITIONAL FEES**

Fee Description		Fee Paid
Extension for reply within 1st month	($120)	[]
Extension for reply within 2nd month	($450)	[]
Extension for reply within 3rd month	($1,020)	[]
Extension for reply within 4th month	($1,590)	[]
Extension for reply within 5th month	($2,160)	[]
Information Disclosure Statement fee	($180)	[]
37 CFR 1.16(c) Late Oath/Declaration (nonprovisional)	($130)	[]
37 CFR 1.17 (q) Missing Parts (provisional)	($50)	[]
Non-English specification	($130)	[]
Notice of Appeal	($500)	[]
Filing a brief in support of an appeal	($500)	[500]
Request for oral hearing	($1,000)	[]
Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	($1,370)	[]
Other: _____		[]

SUBTOTAL(5) ($) [500]

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Appl. No. 10/633,965
Atty. Docket No. 9152R
Appellant Brief April 14, 2005
Reply to Final Office Action of December 3, 2004
Notice of Appeal Filed March 3, 2005
Customer No. 27752

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/633,965
Appellant(s)	: Cimiluca et al.
Filed	: August 4, 2003
Title	: Compositions Comprising A Polysaccharide Component and One or More Coating Layers
TC/A.U.	: 1623
Examiner	: E. White
Conf. No.	: 5180
Docket No.	: 9152R
Customer No.	: 27752

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

This Brief is filed pursuant to the appeal from the U.S. Patent and Trademark Office decision mailed December 3, 2004 finally rejecting Claims 1-43. A Notice of Appeal was timely filed on March 3, 2005.

REAL PARTY IN INTEREST

The real party in interest is The Procter & Gamble Company of Cincinnati, Ohio.

RELATED APPEALS AND INTERFERENCES

There are no known related appeals, interferences, or judicial proceedings.

STATUS OF CLAIMS

Claims 1-43 are finally rejected. Claims 1-43 are appealed. During review of the Claims it has been discovered that the numbering of the claims is in correct. There are 44

total claims. There are presently two claims numbered 43. The numbering of the claims will be corrected upon resolution of the substantive issues.

A complete copy of the appealed claims is set forth in the Claims Appendix attached herein.

STATUS OF AMENDMENTS

No amendment was filed.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention claims a composition comprising a polysaccharide component, wherein the compositions contain either agglomerates or polysaccharide particles which are coated in a specified manner. A plurality of agglomerates can comprise a polysaccharide component comprising xylose and arabinose, wherein the ratio of xylose to arabinose is at least about 3 : 1, by weight; wherein the composition further comprises: optionally, a first surrounding layer which surrounds the agglomerates, wherein the first surrounding layer is a hydrophobic layer; and optionally, a second surrounding layer which surrounds the agglomerates, wherein the second surrounding layer is a hydrophilic layer; wherein the composition comprises at least one of the first surrounding layer and the second surrounding layer, and wherein when the composition comprises the first surrounding layer and the second surrounding layer then the first surrounding layer is a preceding layer relative to the second surrounding layer. (Specification page 5, lines 12-26).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(I) Rejection Under 35 USC 103(a) Over Nakamura et al (US 6,045,847) in view of Marlett et al (US 6,287,609) or Colliopoulos (US 5,009,916).

(II) Rejection Under 35 USC 103(a) Over Nakamura et al (US 6,045,847) and Marlett et al (US 6,287,609) in view of Barbera (US 5,425,945).

Appl. No. 10/633,965
Atty. Docket No. 9152R
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ARGUMENTS

Claims 1-43 are patentable over Nakamura et al (US 6,045,847) in view of Marlett et al (US 6,287,609) or Colliopoulos (US 5,009,916) because the references fail to teach or suggest all of the claimed limitation of the present invention and, therefore, do not establish a *prima facie* case of obviousness.

The Examiner states that claims 1-43 are rejected under 35 USC § 103 as being unpatentable over Nakamura et al (US 6,045,847) in view of Marlett et al (US 6,287,609) or Colliopoulos (US 5,009,916). The Examiner states that Nakamura discloses a composition comprising a water-soluble hemicellulose, which is a polysaccharide containing xylose and arabinose which may be used in an emulsified state with fat or oil. Additionally, the Examiner states that when Nakamura is combined with the Marlett the ratio of xylose to arabinose is at least 3:1. Appellants respectfully traverse the Examiner's rejection on the basis of the comments below.

Appellants assert that the Examiner has failed to establish a *prima facie* case of obviousness. Nakamura and Marlett or Colliopoulos do not teach or suggest all of the claim limitations of Claims 1-43 and, therefore, do not establish a *prima facie* case of obviousness. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP § 2143.03 citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP § 2143.03 citing *In reWilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

The Nakamura references discloses the use of a water-soluble hemicellulose that is derived from husks of oily seeds of soybean, palm, coconut, corn or cottonseed with the oil and protein removed, and lees from grains such as rice or wheat and roots such as beets with the starch or sugar removed. *See* Column 3, lines 44-51. Each of these fibers is water soluble and is rapidly broken down in the colon. Due to this fact, these fibers have no laxative effects on the bowel and are not effective at treating constipation and other disorders of the bowel.

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The psyllium seed husks derived polysaccharide particles of the present invention are not readily broken down in the colon so they pass through the colon and aid in making the stool soft and easy to eliminate thereby aiding in treating constipation and other bowel disorders.

The Hawley's Condensed Chemical Dictionary Fourteenth Edition, defines "emulsion" as 1. "a stable mixture of two or more immiscible liquids held in suspension by small percentages of substances called emulsifiers." The Hawley's Condensed Chemical Dictionary Fourteenth Edition, defines "emulsifiers" as "a surface active agent." The Hawley's Condensed Chemical Dictionary Fourteenth Edition, defines "surface active agent" as "any compound that reduces surface tension when dissolved in water or water solutions, or that reduce interfacial tension between two liquids, or between a liquid and a solid."

In the present invention, compositions comprise a plurality of agglomerates or polysaccharide particles which are coated with at least one or more surrounding layers. The agglomerate may be joined to one or more surrounding layers, which surround the polysaccharide particle. Using the polysaccharide particle as an example, the polysaccharide particle may be joined to one or more surrounding layers, which surround the polysaccharide particle. As used in the present application, the terms "joined to," or the like means surrounding the agglomerate, or polysaccharide particle, or the like, in such a manner that the layer is contiguous with either the agglomerate or polysaccharide component itself, a preceding layer, or a succeeding layer. The layer may be "joined to" the agglomerate or polysaccharide component, a preceding layer, or a succeeding layer even though other matter (such as another preceding or succeeding layer) intervenes. Accordingly, a layer which is "joined to" the agglomerate or polysaccharide component need not actually be contiguous with such agglomerate or polysaccharide component. The agglomerate or polysaccharide particle, as applicable, is joined to the first surrounding layer which is a hydrophobic layer, preferably a continuous hydrophobic layer. The hydrophobic layer therefore comprises one or more materials, such that the hydrophobic layer is hydrophobic. Inclusion of an agglomerate comprising such a hydrophobic layer is particularly useful to inhibit the final agglomerate from absorbing water. These benefits are similarly achieved wherein the polysaccharide particle is coated with a surrounding layer which is a hydrophobic layer,

preferably a continuous hydrophobic layer. When the hydrophobic layer is utilized, it is found that a second surrounding layer which is a hydrophilic layer is additionally beneficial. Indeed, while the hydrophobic layer inhibits the absorption of water into the agglomerate or particle (as applicable), the hydrophilic layer is useful for further enhancing dispersion of the final agglomerate or particle in an aqueous liquid prior to administration. *See* pages 11-13.

Nakamura describes an emulsified composition and the present invention teaches and claims the agglomerate or particle are coated or surrounded with a layer or layers. Additionally, Nakamura fails to teach or suggests a polysaccharide component comprising xylose and arabinose, where the ratio of the xylose to the arabinose is at least about 3 : 1, and wherein the polysaccharide particles have a mean particle size distribution of from about 0.001 microns to about 150 microns as disclosed and claimed in the present invention.

The Examiner states that Marlett teaches the preparation of fractions obtained from psyllium seed husk that comprises xylose and arabinose. However, Marlett fails to teach or suggest a polysaccharide particle that comprises polysaccharide component comprising xylose and arabinose, where the ratio of the xylose to the arabinose is at least about 3: 1, by weight, and polysaccharide particles have a mean particle size distribution of from about 0.001 microns to about 150 microns as disclosed and claimed in the present invention. Additionally, Marlett fails to teach or suggest compositions comprise a plurality of agglomerates or polysaccharide particles which are coated or surrounded with at least one or more surrounding layers.

Nakamura and Marlett both fail to provide Appellants' essential polysaccharide particle that comprises polysaccharide component comprising xylose and arabinose, where the ratio of the xylose to the arabinose is at least about 3 : 1, by weight, and wherein the polysaccharide particles have a mean particle size distribution of from about 0.001 microns to about 150 microns and compositions comprise a plurality of agglomerates or polysaccharide particles which are coated with at least one or more surrounding layers. Assuming *arguendo* that one having ordinary skill in the art would combine the disclosures of Nakamura and Marlett, one would still fall short of the of Appellants' claimed invention only to arrive at a water-soluble hemicellulose that are water soluble and are rapidly broken

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down in the colon that comprise xylose and arabinose. The combination of Nakamura and Marlett do not teach or suggest each and every element of Appellants' presently claimed invention. The polysaccharide particles of the present invention, therefore, cannot be rendered as obvious over the teachings of Nakamura in view of Marlett.

The Examiner states that Colliopoulos teaches a psyllium high fiber drink mix made by agglomerating a base comprising at least 5 to 99 weight percent psyllium mucilloid. However, the present invention is directed to certain fractions of psyllium seed husk. The psyllium high fiber in the Colliopoulos reference when it comes in contact with water would form a gelatinous mass and would exhibit very poor dispersability. The present invention comprises composition that contain certain fractions of psyllium seed husk with defined ratio of xylose and arabinose wherein the composition comprises particles that have a defined particle size, or agglomerates with defined particle size which are intended for dilution in an aqueous liquid and provide excellent mouth feel, excellent dispersion in an aqueous liquid and sedimentation. The present invention teaches the removal or fractioning off of the components which contribute to the unpleasant or unsafe qualities of the psyllium husk. Therefore, one of ordinary skill in the art would not be motivated to combine the teaching of Colliopoulos with Nakamura or Marlett since the teachings of Colliopoulos fail to teach or suggest the use of at least 5 to 99 weight percent of polysaccharide particles that are fractioned off of the psyllium seed husk.

The combination of Nakamura and Marlett or Colliopoulos does not teach or suggest each and every element of Appellants' presently claimed invention. The polysaccharide particles of the present invention, therefore, cannot be rendered as obvious over the teachings of Nakamura in view of Marlett or Colliopoulos. "Citing a reference that merely indicates that isolated elements and/or features recited in the claims are known is not sufficient basis for concluding that the combination of claimed elements would be obvious." *See Ex parte Hiyamizu*, 10 U.S.P.Q. 2D (BNA) 1393, 1394 (1988). "The genius of invention is often a combination of known elements which in hindsight seems preordained. To prevent hindsight invalidation of patent claims, the law requires some 'teaching, suggestion, or reason' to combine cited references." *See McGinley v. Franklin Sports, Inc.*, 262 F. 3d 1339, 60

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USPQ2d 1001 (Fed. Cir. 2001). "Determinations of obviousness can not be based on the hindsight combination of components selectively culled from the prior art to fit parameters." *See ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 48 USPQ2d 1321 (Fed. Cir. 1998). "There should be something in the prior art or a convincing line of reasoning in the answer suggesting the desirability of combining the reference in such a manner as to arrive at the claimed invention." *In re Dembiczak* 175 F. 3d 994, 999 (Fed. Cir. 1999).

Therefore, Appellants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

Claim 24 is patentable over Nakamura et al (US 6,045,847) and Marlett et al (US 6,287,609) in view of Barbera (US 5,425,945) because the references fail to teach or suggest all of the claimed limitation of the present invention and, therefore, do not establish a *prima facie* case of obviousness.

The Examiner states that Claim 24 is rejected under 35 USC § 103 as being unpatentable over Nakamura et al (US 6,045,847) and Marlett et al (US 6,287,609) as applied to Claims 1-43 and in further view of Barbera (US 5,425,945). Appellants respectfully traverse this rejection based on the remarks contained herein.

Appellants assert that the arguments presented above regarding Nakamura and Marlett in traversing the § 103(a) rejection also apply to the present rejection. The references do not teach or suggest the essential polysaccharide particle that comprises polysaccharide component comprising xylose and arabinose, where the ratio of the xylose to the arabinose is at least about 3 : 1, by weight, and wherein the polysaccharide particles have a mean particle size distribution of from about 0.001 microns to about 150 microns and compositions comprise a plurality of agglomerates or polysaccharide particles which are coated or surrounded with at least one or more surrounding layers.

The Examiner states that Example 1 in Barbera shows polysaccharide particles having the instantly claimed particle size. However, if one looks to Example 1 of the Barbera patent, Example 1 discloses a steam sanitized psyllium husks having a particle size of 98% minimum through 100 mesh screen. *See* Example 1, lines 24-27. Barbera fails to teach or

suggest a composition that contains certain fractions of psyllium seed husk with defined ratio of xylose and arabinose wherein the composition comprises polysaccharide particles that have a defined particle size, or agglomerates comprising polysaccharide particles with defined particle size.

Additionally, the Examiner states that Barbera evidences the fact that psyllium material as part of the composition improves the mixability and dispersibility of the composition in liquids. However, Babera, fails to teach or suggest anything about what a polysaccharide component comprising xylose and arabinose, where the ratio of the xylose to the arabinose is at least about 3:1, by weight, and wherein the polysaccharide particles have a mean particle size distribution of from about 0.001 microns to about 150 microns would do in a liquid. Therefore, Babera fails to teach or suggest polysaccharide particle that comprises polysaccharide component comprising xylose and arabinose, where the ratio of the xylose to the arabinose is at least about 3:1, by weight, and wherein the polysaccharide particles have a mean particle size distribution of from about 0.001 microns to about 150 microns.

The combination of Nakamura and Marlett or Babera does not teach or suggest each and every element of Appellants' presently claimed invention. The polysaccharide particles of the present invention, therefore, cannot be rendered as obvious over the teachings of Nakamura in view of Marlett or Babera. "Citing a reference that merely indicates that isolated elements and/or features recited in the claims are known is not sufficient basis for concluding that the combination of claimed elements would be obvious." *See Ex parte Hiyamizu*, 10 U.S.P.Q. 2D (BNA) 1393, 1394 (1988). "The genius of invention is often a combination of known elements which in hindsight seems preordained. To prevent hindsight invalidation of patent claims, the law requires some 'teaching, suggestion, or reason' to combine cited references." *See McGinley v. Franklin Sports, Inc.*, 262 F. 3d 1339, 60 USPQ2d 1001 (Fed. Cir. 2001). "Determinations of obviousness can not be based on the hindsight combination of components selectively culled from the prior art to fit parameters." *See ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 48 USPQ2d 1321 (Fed. Cir. 1998). "There should be something in the prior art or a convincing line of reasoning in the answer

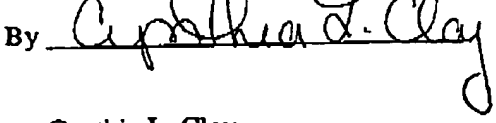
suggesting the desirability of combining the reference in such a manner as to arrive at the claimed invention." *In re Dembiczak* 175 F. 3d 994, 999 (Fed. Cir. 1999).

Therefore, Appellants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

SUMMARY

In view of all of the above, it is respectfully submitted that the aforementioned rejections are erroneous. The Board's reversal of the rejections is respectfully requested.

Respectfully Submitted,
THE PROCTER & GAMBLE COMPANY

By 

Cynthia L. Clay
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April 14, 2005
Customer No. 27752

Appl. No. 10/633,965
Atty. Docket No. 9152R
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CLAIMS APPENDIX

1. (Original) A composition comprising a plurality of agglomerates comprising a polysaccharide component comprising xylose and arabinose, wherein the ratio of xylose to arabinose is at least about 3 : 1, by weight; wherein the composition further comprises:

(i) optionally, a first surrounding layer which surrounds the agglomerates, wherein the first surrounding layer is a hydrophobic layer; and

(ii) optionally, a second surrounding layer which surrounds the agglomerates, wherein the second surrounding layer is a hydrophilic layer;

wherein the composition comprises at least one of the first surrounding layer and the second surrounding layer, and wherein when the composition comprises the first surrounding layer and the second surrounding layer then the first surrounding layer is a preceding layer relative to the second surrounding layer.

2. (Original) The composition according to Claim 1 wherein the agglomerates comprises from about 10% to about 90% of polysaccharide component, by weight of composition.

3. (Original) The composition according to Claim 1 wherein the agglomerates comprises from about 20% to about 50% of polysaccharide component, by weight of composition.

4. (Original) The composition according to Claim 1 wherein the agglomerates comprises from about 30% to about 70% of polysaccharide component, by weight of composition.

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5. (Original) The composition according to Claim 1 wherein the agglomerates each, independently, comprise the first surrounding layer, wherein the first surrounding layer exhibits a water vapor transmission rate of less than about 200 mg / m^2 / 24 hours.

6. (Original) The composition according to Claim 5 wherein the first surrounding layer exhibits a water vapor transmission rate of less than about 100 mg / m^2 / 24 hours.

7. (Original) The composition according to Claim 6 wherein the first surrounding layer comprises a component selected from the group consisting of fatty acids, fatty acid derivatives, polymers, and mixtures thereof.

8. (Original) The composition according to Claim 1 wherein the agglomerates each, independently, comprise the second surrounding layer, wherein the second surrounding layer comprises a component selected from the group consisting of surfactants, gums, inorganic salts, and mixtures thereof.

9. (Original) The composition according to Claim 8 wherein the agglomerates each, independently, comprise the first surrounding layer.

10. (Original) The composition according to Claim 9 wherein the first surrounding layer exhibits a water vapor transmission rate of less than about 200 mg / m^2 / 24 hours.

11. (Original) The composition according to Claim 10 wherein the first surrounding layer has a coating weight of from about 3 mg / cm^2 to about 25 mg / cm^2.

12. (Original) The composition according to Claim 8 wherein the first surrounding layer comprises a component selected from the group consisting of fatty acids, fatty acid derivatives, polymers, and mixtures thereof.

13. (Original) The composition according to Claim 8 wherein the mean particle size of the agglomerates is from about 100 microns to about 400 microns.

14. (Original) The composition according to Claim 8 wherein the ratio of xylose to arabinose is from about 3 : 1 to about 6 : 1, by weight.

15. (Original) The composition according to Claim 14 wherein the polysaccharide component further comprises a component selected from the group consisting of galactose, glucose, uronic acid, and mixtures thereof.

16. (Original) The composition according to Claim 15 wherein the agglomerates each, independently, comprise a dispersing component, wherein the dispersing component is selected from the group consisting of binders, suspending agents, edible acids, and mixtures thereof.

17. (Original) The composition according to Claim 16 wherein the dispersing component comprises maltodextrin.

18. (Original) The composition according to Claim 17 wherein the agglomerates each, independently, comprise an edible acid.

19. (Original) The composition according to Claim 18 wherein the edible acid is citric acid.

20. (Original) The composition according to Claim 16 comprising a starch, wherein the agglomerates and at least a portion of the starch are physically distinct.

21. (Original) The composition according to Claim 16 comprising a gum, wherein the agglomerates and at least a portion of the gum are physically distinct.

22. (Original) A method of providing a benefit selected from the group consisting of normalizing bowel function, inducing laxation, providing dietary fiber, reducing serum cholesterol levels, and combinations thereof, comprising orally administering a product comprising the composition according to Claim 1 to a mammal in need of the benefit.

23. (Original) The method according to Claim 22 comprising admixing the composition according to Claim 1 with an aqueous liquid to form the product.

24. (Original) A composition comprising a plurality of polysaccharide particles, wherein the polysaccharide particles comprise a polysaccharide component comprising xylose and arabinose, wherein the ratio of the xylose to the arabinose is at least about 3 : 1, by weight, and wherein the polysaccharide particles have a mean particle size distribution of from about 0.001 microns to about 150 microns, wherein the polysaccharide particles each, independently, comprise:

(i) optionally, a first surrounding layer which surrounds the particle, wherein the first surrounding layer is a hydrophobic layer; and

(ii) optionally, a second surrounding layer which surrounds the particle, wherein the second surrounding layer is a hydrophilic layer;

wherein the polysaccharide particles each, independently, comprise at least one of the first surrounding layer and the second surrounding layer, and wherein when the particle comprises the first surrounding layer and the second surrounding layer then the first surrounding layer is a preceding layer relative to the second surrounding layer.

25. (Original) The composition according to Claim 24 wherein the polysaccharide particles each, independently, comprise the first surrounding layer, wherein the first surrounding layer exhibits a water vapor transmission rate of less than about 200 mg / m^2 / 24 hours.

26. (Original) The composition according to Claim 25 wherein the first surrounding layer exhibits a water vapor transmission rate of less than about 100 mg / m^2 / 24 hours.

27. (Original) The composition according to Claim 26 wherein the first surrounding layer comprises a component selected from the group consisting of fatty acids, fatty acid derivatives, polymers, and mixtures thereof.

28. (Original) The composition according to Claim 24 wherein the polysaccharide particles each, independently, comprise the second surrounding layer, wherein the second surrounding layer comprises a component selected from the group consisting of surfactants, gums, inorganic salts, and mixtures thereof.

29. (Original) The composition according to Claim 28 wherein the polysaccharide particles each, independently, comprise the first surrounding layer.

30. (Original) The composition according to Claim 29 wherein the first surrounding layer exhibits a water vapor transmission rate of less than about 200 mg / m^2 / 24 hours.

31. (Original) The composition according to Claim 30 wherein the first surrounding layer has a coating weight of from about 3 mg / cm^2 to about 25 mg / cm^2.

32. (Original) The composition according to Claim 28 wherein the first surrounding layer comprises a component selected from the group consisting of fatty acids, fatty acid derivatives, polymers, and mixtures thereof.

33. (Original) The composition according to Claim 28 wherein the mean particle size of the polysaccharide particles is from about 0.001 microns to about 150 microns.

34. (Original) The composition according to Claim 28 wherein the ratio of xylose to arabinose is from about 3 : 1 to about 6 : 1, by weight.

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35. (Original) The composition according to Claim 34 wherein the polysaccharide component further comprises a component selected from the group consisting of galactose, glucose, uronic acid, and mixtures thereof.

36. (Original) The composition according to Claim 35 wherein the composition comprises a dispersing component, wherein the dispersing component is selected from the group consisting of binders, suspending agents, edible acids, and mixtures thereof.

37. (Original) The composition according to Claim 36 wherein the dispersing component comprises maltodextrin.

38. (Original) The composition according to Claim 37 wherein the dispersing component comprises an edible acid.

39. (Original) The composition according to Claim 38 wherein the edible acid is citric acid.

40. (Original) The composition according to Claim 36 wherein the dispersing component comprises a starch.

41. (Original) The composition according to Claim 40 wherein the dispersing component comprises a gum.

42. (Original) The composition according to Claim 36 comprising a plurality of agglomerates, wherein the agglomerates comprise at least a portion of the polysaccharide particles and at least a portion of the dispersing component.

43. (Original) A method of providing a benefit selected from the group consisting of normalizing bowel function, inducing laxation, providing dietary fiber, reducing serum

cholesterol levels, and combinations thereof, comprising orally administering a product comprising the composition according to Claim 24 to a mammal in need of the benefit.

43. (Original) The method according to Claim 42 comprising admixing the composition according to Claim 24 with an aqueous liquid to form the product.